



PUBLIC NOTICE

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Washington, DC 20554

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June 25, 2018

**220 APPLICANTS QUALIFIED TO BID
IN THE CONNECT AMERICA FUND PHASE II AUCTION (AUCTION 903)
BIDDING TO BEGIN ON JULY 24, 2018**

AU Docket No. 17-182
WC Docket No. 10-90

1. By this Public Notice, the Rural Broadband Auctions Task Force, Wireless Telecommunications Bureau, and Wireline Competition Bureau identify 220 applicants that are qualified to bid in Auction 903. The auction, which is scheduled to begin on Tuesday, July 24, 2018, will award up to \$1.98 billion over 10 years to service providers that commit to offer voice and broadband services to fixed locations in unserved high-cost areas.¹ This Public Notice also provides important information to qualified bidders regarding the CAF II Bidding System, available educational materials, the mock auction, and the start of bidding in Auction 903. Finally, the Public Notice reminds applicants of certain procedures the Commission adopted for this auction.

I. QUALIFIED BIDDERS

A. Qualified Bidders

2. Attachment A to this Public Notice lists the name of each of the 220 qualified bidders. Designation of an applicant as qualified to bid in the auction indicates that the applicant has provided the certifications and basic information concerning its qualifications, as required by the Commission's competitive bidding rules for participation in the auction, and has been determined to be financially and operationally qualified to participate in the auction.

3. Each of these applicants is qualified to bid in at least one of the states it selected for at least one of the performance tier and latency combinations it selected, provided that no further amendments are made to the short-form application that would cause a change in the applicant's qualifications.² A qualified bidder may not be eligible to bid in every state or for every performance tier and latency combination it selected. Each qualified bidder will be able to access its submitted application

¹ See *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, Public Notice, 33 FCC Rcd 1428 (2018) (*Auction 903 Procedures Public Notice*).

² An applicant is required to maintain the accuracy of its short-form application. See 47 CFR § 1.65. Each applicant in competitive bidding proceedings must furnish additional or corrected information within five days of a significant occurrence or amend its short-form application no more than five business days after the applicant becomes aware of the need for amendment. See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1488, para. 172.

and view the eligibility determination for each selected performance tier and latency combination directly in the Auction Application System on the *View Eligibility Determinations* page.³

4. Under the Commission's two-phased auction application process, after the close of the auction, a qualified bidder that wins one or more bids must submit a long-form application and meet various other requirements that are fully explained in the *Auction 903 Procedures Public Notice*.⁴ Thus, a determination that an applicant is a qualified bidder is not determinative of an applicant's qualifications to receive Connect America Fund Phase II support. In the event that a winning bidder does not become authorized to receive Connect America Fund Phase II support for any reason, it will be subject to a forfeiture.⁵

5. In order to participate effectively in the auction, each qualified bidder should again carefully review the auction rules, procedures, educational materials, and other information described in the *Auction 903 Procedures Public Notice* and subsequent public notices.⁶ These public notices and other documents related to Auction 903 are available on the Commission's auctions website at <https://www.fcc.gov/auction/903>. This Public Notice provides additional guidance for qualified bidders.

B. Non-qualified Applicants

6. Attachment B to this Public Notice lists each applicant that submitted a short-form application but did not qualify to bid in Auction 903. Even if it is not qualified, an applicant remains subject to the Commission's rules prohibiting certain communications pertaining to bids and bidding strategies.⁷

³ The *View Eligibility Determinations* screen will display, on a tab titled "FINAL," a view-only (i.e., non-editable) "Final Eligibility Determinations" table showing: (1) each of the state, performance tier, latency, and technology combination(s) that the applicant selected; (2) a calculation of the T+L Weight associated with each performance tier and latency combination; (3) a "Tier-Latency-Technology Eligibility" column with a determination of whether a performance tier, latency, and technology combination is, after final review, eligible, as indicated by the term "Yes" (for eligible) or "No" (for ineligible); (4) a "State Eligibility" column with a determination of whether a state is, after final review, eligible based on an impermissible overlapping state issue, as indicated by the term "Yes" (for eligible) or "No" (for ineligible); and (5) an "Overall Eligibility" column with a final overall eligibility status for each performance tier/latency combination entered for a given state, as indicated by the term "Eligible" or "Ineligible." Whether a state, performance tier, latency, and technology combination is deemed overall eligible depends on the determinations in both the "Tier-Latency-Technology Eligibility" and "State Eligibility" columns. For example, if an applicant is deemed eligible to bid on a performance tier, latency and technology combination (represented by a "Yes" under the "Tier-Latency-Technology Eligibility" column), but is deemed ineligible to bid on the state because of an impermissible overlapping state issue (represented by a "No" under the "State Eligibility" column), the applicant will be deemed overall ineligible to bid on that combination. The *View Eligibility Determinations* screen will also continue to display, on a tab titled "INITIAL," an applicant's initial eligibility determination for each state, performance tier, latency, and technology combination(s) it selected and saved to its application during the initial filing window.

⁴ See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1512-20, paras. 289-313.

⁵ See *id.* at 1520-21, paras. 314-15.

⁶ See *Auction 903 Procedures Public Notice*; see also *Connect America Fund Phase II Auction; Status of Short-Form Applications to Participate in Auction 903; Corrections Due June 5, 2018*, Public Notice, DA 18-484 (WTB/WCB May 14, 2018) (*Auction 903 Status Public Notice*).

⁷ See 47 CFR § 1.21002; *infra* Section V.A (Prohibited Communications).

II. REGISTRATION AND ACCESS TO THE CAF II BIDDING SYSTEM

A. Registration Materials

7. All qualified bidders have been automatically registered for the auction. Registration materials will be sent by overnight delivery to the contact person at the contact person's address identified in the qualified bidder's FCC Form 183. Upon receipt, each qualified bidder should be in possession of the following:

- At least two RSA SecurID® tokens⁸
- A web address and instructions for accessing and logging in to the CAF II Bidding System
- An FCC-assigned username (user ID) for each authorized bidder
- The FCC Auction Bidder Line phone number

8. A qualified bidder must have the above-referenced registration materials to participate in the mock auction and to bid in Auction 903. Any qualified bidder listed in Attachment A of this Public Notice that has not received the registration mailing **by 12:00 p.m. Eastern Time (ET) on July 12, 2018**,⁹ should contact the Auctions Hotline at (717) 338-2868. Receipt of the registration mailing is critical to participating in the mock auction and the actual auction. Each qualified bidder is responsible for ensuring that it has received all the registration materials and has distributed the materials necessary for bidding to its authorized bidders.

9. Each qualified bidder is solely responsible for ensuring the security and functionality of its computer systems, Internet connection(s), and registration materials. It must also ensure that only authorized bidders place bids on its behalf. The Commission and its contractors assume no responsibility or liability for these matters. **WARNING: Any unauthorized entity accessing or tampering with an FCC or other government computer system will be prosecuted to the full extent of the law.**

B. Registration Material Replacement

10. In the event a qualified bidder's SecurID® tokens are lost or damaged, only the contact person or the certifying official on the applicant's FCC Form 183 may authorize replacements. To do so, call the Auction Bidder Line at the telephone number provided in the registration materials or the Auction Hotline at (717) 338-2868.

C. Access to the CAF II Bidding System

11. Qualified bidders will be able to participate in the mock auction and Auction 903 over the Internet using the CAF II Bidding System. Each qualified bidder will receive in its registration materials

⁸ Each qualified bidder has been issued either two or three SecurID® tokens depending on the number of authorized bidders it identified on its FCC Form 183. A bidder with three authorized bidders has been issued three tokens, and a bidder with one or two authorized bidder(s) has been issued a token for each of its authorized bidders, plus one extra token. The extra token cannot be used unless the contact person, certifier, or an authorized bidder for the qualified bidder contacts the Commission to activate the extra token for a specific additional authorized bidder or for an authorized bidder whose token has been lost or damaged. SecurID® tokens can be recycled, and we encourage bidders to return the tokens to the Commission in the provided pre-addressed envelopes once the auction is closed.

⁹ The registration materials are scheduled to be received by July 12, 2018, even though the Commission had previously announced July 9, 2018, as the date. *See Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1491, para. 193.

the web address for accessing the CAF II Bidding System and the phone number for the Auction Bidder Line. And each authorized bidder must have his or her own, activated SecurID® token to place a bid.¹⁰

12. All bidders should carefully review the CAF II Bidding System User Guide. There are minimum system requirements for accessing the CAF II Bidding System via a computer. Smartphones and tablets are not supported. Users should test their computer configuration and browser(s) with the bidding system in advance of the auction—for example, during the mock auction. Any user attempting to access the CAF II Bidding System with a computer configuration or device that does not meet the requirements listed in the user guide is solely responsible for any resulting failure to access the bidding system, failure to do so in a timely manner, or failure of the bidding system to process the user's attempted bidding or other actions (even if it appears that such actions were completed properly).

13. Telephonic bidding will not be available for Auction 903. However, the Auction Bidder Line, at the number supplied to each qualified bidder, will be available for bidder questions during the mock auction and during Auction 903 bidding.

D. Bidding Contingency Plan

14. Each bidder should develop a comprehensive contingency plan that it can quickly implement in case difficulties arise when participating in the auction. While the Commission will correct any problems with Commission-controlled facilities, each bidder is solely responsible for anticipating and overcoming any other problems that arise, such as bidder computer failures or other technical issues, loss of or problems with data connections, telephone service and power interruptions, adverse local weather conditions, unavailability of its authorized bidders, or the loss or breach of confidential security codes.

15. A qualified bidder should ensure that each of its authorized bidders can access and place bids in the bidding system, without relying upon the same computer. Moreover, a contingency plan should include arrangements for accessing and placing bids in the CAF II Bidding System from one or more alternative locations.

16. If for any reason a bidder fails to submit all its bids before the round closes, it may lose some or all of its bidding eligibility. If a bidder loses all its bidding eligibility, it will no longer be able to bid in the auction. The Commission will not be able to restore any portion of a bidder's lost bidding eligibility.

III. BIDDER EDUCATION AND IMPORTANT UPCOMING EVENTS AND DATES

17. Below we provide information regarding the availability of educational and informational materials to qualified bidders. We also discuss the mock auction that will give qualified bidders the opportunity to become familiar with bidding in Auction 903.

A. CAF II Bidding System User Guide

18. The CAF II Bidding System User Guide, which describes the features and functionality of the bidding system that will be used to bid in Auction 903, is available in electronic form in the Education section of the Auction 903 website at www.fcc.gov/auction/903. As a courtesy, following the release of this Public Notice, we will email a link to access and download the user guide to each authorized bidder and to the contact person listed on the qualified bidder's FCC Form 183. Additionally, the user guide will remain available and accessible on the Auction 903 website for reference. Bidders are encouraged to read the user guide prior to participating in the mock auction in order to familiarize themselves with the bidding system.

¹⁰ Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the Commission will not work for Auction 903.

B. CAF II Bidding System File Formats

19. Qualified bidders should familiarize themselves with the files that will be used in the CAF II Bidding System to upload bids and download bidding results and other information. A document specifying the data file formats is available in the Education section of the Auction 903 website at www.fcc.gov/auction/903. The document provides, for each data file, an overall description of the file, the data fields that are included (with definitions of the data elements in each field), the data types, examples, and notes.

C. Auction 903 Online Bidding Tutorial

20. An online tutorial will provide information about the bidding procedures for the auction, as well as how the bidding system reflects those procedures. The tutorial will allow viewers to navigate the presentation outline, review written notes, listen to an audio recording of the notes, and search for topics using a text search function. Additional features of this web-based tool include links to auction-specific Commission releases, email links for contacting Commission auction staff, and screen shots of the CAF II Bidding System. The online tutorial will be accessible through a link in the Education section of the Auction 903 website by June 29, 2018, at 12:00 p.m. ET.¹¹ Once posted, the tutorial will remain available and accessible on the Auction 903 website.

D. Workshop

21. We will host a workshop on the bidding process for Auction 903. This workshop will review the education materials available for Auction 903 and provide detailed information about the bidding system. The workshop is open to the public and will be available for viewing online. After the event, a recording will be available for streaming.

Date: July 9, 2018
Time: 2:00 – 4:00 p.m. ET
Location: FCC Headquarters, Commission Meeting Room
445 12th Street, SW, Washington, DC 20554

22. Attendance at the workshop is not a prerequisite for bidding in the auction, but qualified bidders are strongly encouraged to attend or view the event online.

23. The Commission will attempt to accommodate as many in-person attendees as possible; however, admittance will be limited to seating availability. To expedite the check-in process on the day of the event, attendees are encouraged to pre-register by submitting their names and company affiliations via email to auction903@fcc.gov. Audio and/or video coverage of the meeting will be provided over the Internet from the Commission's web page at www.fcc.gov/live.

24. Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Commission's Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way that the requesting party can be contacted if additional information is needed. Please allow at least five days' advance notice. Last-minute requests will be accepted, but may be impossible to fill.

¹¹ The online tutorial will be accessible by this date, even though the Commission had previously announced June 28, 2018. See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1433, para. 10.

E. Support Calculator Spreadsheet

25. A spreadsheet is available for download from the Education section of the Auction 903 website at www.fcc.gov/auction/903. The spreadsheet includes two worksheets, each of which has a record for every item in the Auction. The first worksheet calculates implied support amounts based on the entries for performance tier, latency, and price point. The second worksheet calculates price point percentages based on the entries for performance tier, latency, and support amount. Thus, you can enter a support amount and see the price point percentage that equates to it. Instructions for performing these calculations are included in the file. Note that this is a tool to help you understand the calculations performed by the bidding system. If you use the spreadsheet incorrectly, it may produce erroneous results. Your results using the spreadsheet do not supersede any information in the CAF II Bidding System.

F. Mock Auction

26. We strongly encourage each qualified bidder to participate in the mock auction that will begin on July 18, 2018, and end on July 19, 2018, even if the bidder has previously participated in Commission auctions. The mock auction will enable bidders to become familiar with the bidding system and to practice submitting bids. Unlike previous Commission auctions, bids are submitted through a bid file upload process only. As a result, telephonic bid assistants will be unable to submit bids on behalf of a bidder. Commission staff will be available for questions, however, at the Auction Bidder Line phone number provided in the registration materials. More information about the mock auction will be announced in a forthcoming public notice.

IV. AUCTION INFORMATION**A. Bidding Schedule**

27. Bidding in Auction 903 will begin July 24, 2018, with the following schedule for a single bidding round and continuing every other business day until further notice:

Bidding Round 10:00 a.m. – 4:00 p.m. ET

28. We will set the pace of the auction based upon monitoring of the bidding and assessment of the auction's progress. We will announce any subsequent schedule changes via the CAF II Bidding System during the course of the auction.

B. Submitting Bids

29. As mentioned above, the process of submitting bids requires bidders to upload .csv formatted files of their bids. The CAF II Bidding System will provide each bidder access to a bidding file template that identifies the items in any state in which the bidder is eligible to bid. A bidder may submit bids using the bidding template file or a different .csv file as long as the file meets the bid file formatting requirements set forth in the CAF II Bidding System User Guide at Section 7.2 and the file formats document referenced above. Note that a separate bid file must be uploaded for each state in which the bidder is bidding and that each successfully uploaded bid file for a state will fully replace any previously uploaded bids.

30. Each bidder is cautioned to upload and review its bids carefully because winning bids confer certain obligations. Any winning bidder that fails to meet these obligations will be subject to a default payment.¹²

¹² *Id.* at 1520-21, paras. 314-17.

C. Round Results

31. Round results will be available to auction participants via the CAF II Bidding System approximately ten minutes after the close of each round.

32. Auction 903 will be conducted using procedures under which any information that may indicate specific applicants' interests in the auction will be withheld from the public until after the close of bidding and announcement of auction results.¹³ Once the auction results are announced, all of the bidding data, except for proxy bidding instructions, will be made public.

33. Each bidder will have access to information about its own bidding during the auction as well as information indicating the number of bidders for each eligible area.¹⁴ Bidder-specific information is available to the bidder only when logged in to the CAF II Bidding System. When a bidder is logged in to the bidding system, it will have access to a record of the bids it placed by using *My Bid Summary* feature and will have access to the results of its bids by using the *My Results* feature. These features can be accessed using the links in the navigation bar of the bidding system.

34. Detailed instructions for reviewing and downloading round results are provided in the user guide.

D. Bidder Questions During Auction 903 and the Mock Auction

35. Commission auction staff and technical support staff will be available during the mock auction and the auction. To ask questions during the auction, a bidder may use the FCC Auction Bidder Line telephone number supplied in the registration materials or use the *Messages* feature of the bidding system. Only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the qualified bidder's FCC Form 183 should call on behalf of a bidder. When calling, the person should state that he or she is calling on behalf of a bidder with a time-sensitive auction question. If calling while a round is open for bidding, a caller should call as early in the round as possible so that there is time for the bidder to implement any desired bidding activities before the round closes. Otherwise, a bidder should refer to the contact information provided below.

E. Auction Announcements

36. We will post pertinent auction information as announcements in the bidding system. Each bidder should routinely check for announcements each time it enters the bidding system and should click on and read each announcement carefully.

F. Bidder Suggestions

37. A bidder may submit suggestions, including those concerning Auction 903 or future auctions, to Commission staff by using the *Messages* feature in the bidding system.¹⁵ However, this is not an appropriate mechanism for asking time-sensitive questions that may need an immediate response, such as questions about auction procedures or other issues. **Any time-sensitive questions should be directed to the Auction Bidder Line or to the appropriate staff contact using the telephone number provided below.** Commission staff considers all suggestions but may not always provide an individualized response.

¹³ *Id.* at 1509-10, paras. 277-80.

¹⁴ The actual number of bidders will not be disclosed; rather, we will disclose whether the number of bidders that placed bids at the previous round's base clock percentage was 0, 1, or 2 or more. *See id.*

¹⁵ To access the *Messages* feature, select the Messages link on the navigation pane of the bidding system. For information on how to use this feature, see the CAF II Bidding System User Guide.

V. CONTINUING APPLICANT OBLIGATIONS

A. Prohibited Communications

38. We remind applicants that the rule prohibiting certain communications set forth in section 1.21002 of the Commission's rules applies to each applicant that filed a short-form application in Auction 903.¹⁶ Section 1.21002 provides that, subject to specified exceptions, after the deadline for filing a short-form application, an applicant "is prohibited from communicating with any other applicant in any manner the substance of its own, or one another's, or any competing applicant's bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support."¹⁷

39. This prohibition took effect as of the short-form application filing deadline, i.e., March 30, 2018, at 6:00 p.m. ET, and extends until the long-form application filing deadline.¹⁸

40. **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders or actually bid.**¹⁹ We also emphasize that, for purposes of this prohibition, an "applicant" includes the entity filing the application, each party capable of controlling the applicant, and each party that may be controlled by the applicant or by a party capable of controlling the applicant.²⁰

41. The prohibition of "communicating in any manner" includes public disclosures as well as private communications and indirect or implicit communications, as well as express statements of bids and bidding strategies.²¹ Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant.

42. Section 1.21002(c) provides that any applicant that makes or receives a communication that appears to violate section 1.21002 must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs.²² An applicant's obligation to make such a report continues until the report has been made.²³

43. Parties must file only a single report concerning a prohibited communication and must file that report with the Commission personnel expressly charged with administering the Commission's

¹⁶ 47 CFR § 1.21002.

¹⁷ *Id.* § 1.21002(b).

¹⁸ Long-form applications will be due within 10 business days after release of the Auction 903 closing public notice, unless otherwise provided by public notice. *See Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1512, para. 290.

¹⁹ A party that submits an application becomes an "applicant" under the rule at the application filing deadline and that status does not change based on subsequent developments. *See, e.g., Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, or does not otherwise become qualified, remains an "applicant" for purposes of the rule and remains subject to the prohibition on certain communications until the long-form application filing deadline.

²⁰ 47 CFR § 1.21002(a).

²¹ *Id.*; *see generally Updating Part 1 Competitive Bidding Rules*, Report and Order et al., 30 FCC Rcd 7493, 7577, para. 199 (2015) (explaining that similar section 1.2105(c) language prohibiting communicating bids or bidding strategies "in any manner" bars "communicating bids or bidding information, either directly or indirectly"); *Cascade Access, L.L.C.*, Forfeiture Order, 28 FCC Rcd 141, 144, para. 7 (EB 2013) (rejecting argument that the communication was not prohibited because it did not reveal the "substance" of Cascade's bids or bidding strategies).

²² 47 CFR § 1.21002(c).

²³ *Id.*

auctions.²⁴ This rule is designed to minimize the risk of inadvertent dissemination of information in such reports.²⁵ Any reports required by section 1.21002(c) must be filed consistent with the instructions set forth in the *Auction 903 Procedures Public Notice*.²⁶ In particular, such reports for Auction 903 must be filed with Margaret W. Wiener, the Chief of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, by the most expeditious means available. Any such report should be submitted by email to Ms. Wiener at the following email address: auction903@fcc.gov. If you choose instead to submit a report in hard copy, any such report must be delivered only to: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-C217, Washington, DC 20554.

44. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in section 0.459 of the Commission's rules.²⁷ We encourage such parties to coordinate with the Auctions and Spectrum Access Division staff about the procedures for submitting such reports.

45. Any applicant found to have violated section 1.21002 of the Commission's rules is subject to sanctions.²⁸ In addition, we remind applicants that they are subject to the antitrust laws.²⁹ If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture and may be prohibited from participating in future Commission auctions, among other sanctions.³⁰

²⁴ *Procedural Amendments to Commission Part 1 Competitive Bidding Rules*, Order, 25 FCC Rcd 521, 522, para. 4 (2010). This process differs from filing procedures used in connection with other Commission rules and processes, which may call for submission of filings to the Commission's Office of the Secretary or ECFS. Filing through the Office of Secretary or ECFS could allow the report to become publicly available and might result in the communication of prohibited information to other auction applicants.

²⁵ A party reporting any prohibited communication must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of section 1.21002. For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection.

²⁶ See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1484-85, paras. 159-61.

²⁷ See 47 CFR § 0.459. Filers requesting confidential treatment of documents must be sure that the cover page of the filing prominently displays that the documents seek confidential treatment. For example, a filing might include a cover page stamped with "Request for Confidential Treatment Attached" or "Not for Public Inspection." Any such request must cover all the material to which the request applies. See *id.* § 0.459(a).

²⁸ See, e.g., *id.* § 1.2109(d).

²⁹ See *Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures*, Third Further Notice of Proposed Rulemaking, 14 FCC Rcd 21558, 21560-61, para. 4 & n.17 (1999), quoting *Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, Memorandum Opinion and Order, 9 FCC Rcd 7684, 7689, para. 12 (1994) ("[W]e wish to emphasize that all applicants and their owners continue to be subject to existing antitrust laws. Applicants should note that conduct that is permissible under the Commission's Rules may be prohibited by the antitrust laws."); *Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, Fourth Memorandum Opinion and Order, 9 FCC Rcd 6858, 6869 n.134 (1994) ("[A]pplicants will also be subject to existing antitrust laws.").

³⁰ See 47 CFR § 1.2109(d); see also *Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, Second Report and Order, 9 FCC Rcd 2348, 2388, para. 226 (1994).

B. Submission of Auction-Related Filings

46. An applicant must not submit auction-specific material through the Commission's Electronic Comment Filing System (ECFS).

47. A party wishing to submit a request, a complaint, or other information concerning Auction 903 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at auction903@fcc.gov. The Commission occasionally receives complaints regarding specific bidders and requests to suspend bidding during an auction. While the Commission reserves the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after a winning bidder has submitted its long-form application, when there is greater opportunity for investigation of such allegations, if warranted. The Commission will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.

C. Duty to Maintain Accurate Information in Short-Form Applications

48. Pursuant to section 1.65 of the Commission's rules, each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in a pending application, including a pending application to participate in Auction 903.³¹ An applicant's FCC Form 183 and associated attachments will remain pending until the release of a public notice announcing the close of Auction 903. Consistent with the requirements for our spectrum auctions, an applicant for Auction 903 must furnish additional or corrected information to the Commission within five business days after a significant occurrence, or amend its FCC Form 183 no more than five business days after the applicant becomes aware of the need for the amendment.³² An applicant is obligated to amend its pending application even if a reported change may result in the dismissal of the application because the change is subsequently determined to be a major modification.

49. An applicant seeking to provide additional or updated information must modify its short-form application electronically and submit a letter briefly summarizing the change by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at auction903@fcc.gov. The email summarizing the change must include a subject or caption referring to Auction 903 and the name of the applicant.³³ Questions about changes should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

50. An applicant may make only minor corrections to its short-form application (e.g., deletion and addition of authorized bidders or change contact information). A major modification (e.g., change in control of the applicant) will not be accepted.³⁴ Each applicant must clearly state the nature of the change in an amendment to its short-form application and in the summary letter referenced above.

³¹ See 47 CFR § 1.65. We remind Auction 903 applicants that they remain subject to the section 1.21002 prohibition of certain communications until the post-auction deadline for filing long-form applications for winning bids. An applicant's post-auction long-form application (FCC Form 683) is considered pending from the time it is accepted for filing by the Commission until a Commission grant or denial of the long-form application is no longer subject to reconsideration by the Commission or to review by any court. See *id.* § 1.65(a).

³² See *id.* § 1.65; *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1488, para. 172. We remind each applicant of its duty to continuously maintain the accuracy of information submitted in its auction application. See, e.g., *Vermont Telephone Company, Inc.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 14130, 14134, para. 11 (EB 2011).

³³ Parties should format any attachments to email as Adobe® Acrobat® (pdf) or Microsoft® Word documents.

³⁴ See 47 CFR § 1.21001(d)(4).

51. When amending short-form applications, applicants must avoid any statements or disclosures that may violate section 1.21002 of the Commission's rules, particularly in light of the limited information disclosure procedures in place for Auction 903. Parties submitting information related to their applications should use caution to ensure that their submissions do not contain confidential information or communicate information that would violate section 1.21002 or the limited information procedures adopted for Auction 903. Therefore, a party seeking to submit information that might reflect non-public information should consider submitting any such information along with a request that the filing or portions of the filing be withheld from public inspection until the end of the prohibition on certain communications pursuant to section 1.21002.

D. Ex Parte Rule

52. Applicants should also be aware that the Commission has generally treated mutually exclusive short-form applications to participate in the auctions process as exempt proceedings and, therefore, not subject to the ex parte prohibitions that pertain to restricted proceedings.³⁵ This same treatment will apply to this proceeding.

E. Due Diligence

53. Qualified bidders are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of Connect America Fund Phase II support submitted as a bid in Auction 903. We strongly encourage bidders to conduct their own research in order to determine the existence of pending administrative or judicial proceedings, including pending rulemaking proceedings that might affect their decisions regarding participation in the auction. Additionally, a bidder is responsible for ensuring that, if it wins support, it will be able to build and operate facilities that fully comply with all technical and legal requirements. For further details regarding due diligence, please refer to Section II.E.5 of the *Auction 903 Procedures Public Notice*.³⁶

VI. POST-AUCTION INFORMATION

A. Post-Auction Procedures

54. Shortly after bidding in Auction 903 has ended, a public notice will be released that declares the auction closed, identifies the winning bidders, and establishes deadlines for filing the long-form application. Winning bidders will use the new FCC Form 683 and the FCC Auction System to submit the long-form application.³⁷ Further filing instructions will be provided to winning bidders at the close of the auction.

VII. CONTACT INFORMATION

55. For further information concerning Auction 903, please contact:

General Auction Information

General Auction Questions
Auction Process and Procedures

FCC Auctions Hotline

(888) 225-5322, option two; or
(717) 338-2868

³⁵ See *Commission Announces that Mutually Exclusive "Short-Form" Applications (Form 183) to Participate in Competitive Bidding Process ("Auctions") Are Treated as Exempt for Ex Parte Purposes*, Public Notice, 9 FCC Rcd 6760 (1994). See also 47 CFR § 1.1202(d)(1) Note 1.

³⁶ See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-72, paras. 111-19.

³⁷ See 47 CFR § 54.1005(b). FCC Form 683 is pending approval by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13.

Auction 903 Process and Procedures

Bidding Procedures
Auction Schedule

Auctions and Spectrum Access Division

Auctions Hotline 717-338-2868

Auction 903 Legal Information

Auction Rules, Policies, Regulations, including
Reports of section 1.21002 Violations and
Application Modifications

Rural Broadband Auctions Task Force

Chelsea Fallon, (202) 418-7991
Kirk Burgee, (202) 418-1599
Nathan Eagan, (202) 418-0991

Wireless Telecommunications Bureau**Auctions and Spectrum Access Division**

Mark Montano
Angela Kung
(202) 418-0660

General Universal Service Questions**Wireline Competition Bureau****Telecommunications Access Policy Division**

Alex Minard
Heidi Lankau
Katie King
(202) 418-0660

Technical Support

Electronic Filing
Auction Application System and CAF II Bidding
System (Hardware/Software Issues)

FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250
(202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

FCC Email & Webpages

Auction903@fcc.gov
<http://www.fcc.gov>
<https://www.fcc.gov/connect-america-fund-phase-ii-auction>

Press Information

Mark Wigfield, (202) 418-0253

FCC Forms

(800) 418-3676 (outside Washington, DC)
(202) 418-3676 (in the Washington area)
<http://www.fcc.gov/formpage.html>

Accessible Formats

Braille, large print, electronic files, or
audio format for people with disabilities

Consumer and Governmental Affairs Bureau

(202) 418-0530 or (202) 418-0432 (TTY)
fcc504@fcc.gov

Small Businesses

Additional information for small and disadvantaged businesses

Office of Communications Business**Opportunities**

(202) 418-0990

<http://www.fcc.gov/ocbo/>

Tribal Issues

Additional information for entities seeking to provide service to Tribal lands and Tribal governments

Office of Native Affairs and Policy

(202) 418-2930

native@fcc.gov

56. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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